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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,973	09/29/2006	Hideaki Mukaida	063113	8181
38834 7590 10/05/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
TO, BAOQU'OC N				
ART UNIT		PAPER NUMBER		
2162				
NOTIFICATION DATE		DELIVERY MODE		
10/05/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/594,973

Applicant(s)

MUKAIDA ET AL

Examiner

BAOQUOC N. TO

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/309)
Paper No(s)/Mail Date 07/14/2009.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/15/2009 has been entered.

Claims 1-20 are pending.

Claim 7 is amended.

Claims 11-20 were withdrawn.

Claims 1-7 are being examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 07/14/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. claim(s) 1, 8 and 47 are/is rejected under 35 U.S.C. 101 as being directed to eligible subject matter under 35 U.S.C. § 101 in view of *In Re Bilski*, 88 USPQ2d 1385. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing (See *In Re Bilski*, 88 USPQ2d 1385; see also *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 473 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1976)); The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter. The method/process claimed is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent; Therefore, the claimed invention is directed to non-statutory subject matter.

Response to Arguments

4. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Takahashi et al. (US. Patent No. 6,952,522 B2) in view of Yun (Pub. No. US 2007/0043900A1).

As to claim 1, Takahashi discloses an information recording method which is a file system managing files hierarchically by files having information and a directory which is a storage place of a plurality of files, wherein a file system which writes in and reads from a recording medium per predetermined unit is used (the location and attributes such as the number, the recording data & time and the file name of each file

on the disc are controlled by referencing the FAT 11. The FAT 11 is used for controlling the information on files in smallest access units, typically sector units, used by the system, that is, the signal recording/playback apparatus for making an access to disc...) (col. 5, lines 56-63).

Takahashi does not explicitly disclose predetermined information is first recorded in a work sector before performing primary recording as well as the number of mountings of the file system is further recorded in the work sector (the boot sector can be read when the file system is mounted or generated, and the basic information of the file system, such as which type of the file system and where metadata of the file system is record...) (paragraph 0042). This suggests the claimed invention such as predetermined information is first recorded in a work sector before performing primary recording as well as the number of mountings of the file system is further recorded in the work sector. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify teaching of Takahashi to include the number of mountings of the file system is further recorded in the work sector as disclosed in Yun order to reproduce the file.

As to claim 2, Takahashi discloses the information recording method according to claim 1, wherein the work sector comprises two sectors, and wherein the number of mountings is recorded in a first sector, and information contents to be recorded are recorded in a second sector (program 1 is recorded by splitting the data into 3 segments forming a pattern along a straight line..) (col. 5, lines 66 to col. 6, lines 1-3).

As to claim 3, Takahashi discloses the information recording method according to claim 2, wherein the work sector is located in a work sector area having a plurality of sectors, and the work sector is determined when the file system is mounted (disc is mounted...) (col. 5, line 50).

As to claim 4, Takahashi discloses the information recording method according to claim 3, wherein the predetermined information is information about a directory (file system) (col. 6, line 13).

As to claim 5, Takahashi discloses the information recording method according to claim 4, wherein the file system is a FAT file system (FAT) (col. 5, line 55).

As to claim 6, Takahashi discloses a device for recording and/or reproducing information, wherein the information recording method according to any one of claims 1 (recording/playback apparatus) (col. 5, lines 50-54), 2, 3, 4 or 5 is used.

6. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Takahashi et al. (US. Patent No. 6,952,522 B2) in view of Suzuki et al. (Patent No. US 7,447,672 B2).

As to claim 7, Takahashi discloses an information recording method which is a file system managing files hierarchically by files having information and a directory which is a storage place of a plurality of files, wherein a file system which writes in and reads from a recording medium per predetermined unit is used (an additional signal is not split into segments to be each recorded into a free area with a length smaller than a predetermined value, typically a equivalent of 1-minute recoding/play back length) (col.

5, lines 36-39). Takahashi does not disclose information about the directory is written in the predetermined unit a plurality of times such that the plurality of the information about the directory written in the predetermined unit are separated from each other by a predetermined offset. However, Suzuki discloses information about the directory is written in the predetermined unit a plurality of times such that the plurality of the information about the directory written in the predetermined unit are separated from each other by a predetermined offset (in the management data recording area, a file entry for specifying a file recorded on the recording medium, a root entry for specifying the upper most order directory in the hierarchical directory structure and a sub-entry for specifying ...) (col. 2, lines 13-27). This suggests the claimed limitation disclose information about the directory is written in the predetermined unit a plurality of times such that the plurality of the information about the directory written in the predetermined unit are separated from each other by a predetermined offset. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify teaching of Takahashi to include information about the directory is written in the predetermined unit a plurality of times such that the plurality of the information about the directory written in the predetermined unit are separated from each other by a predetermined offset as disclosed Suzuki in order to reproduce the file.

As to claim 8, Takahashi discloses the information recording method according to claim 7, wherein the file system is a FAT file system (FAT, file allocation table) (col. 5, line 55).

As to claim 9, Takahashi discloses the information recording method according to claim 7, wherein the predetermined offset is half of the predetermined unit, and the information about the directory is doubly written (an additional signal is not split into segments to be each recorded into a free area with a length smaller than a predetermined value, typically a equivalent of 1-minute recoding/play back length) (col. 5, lines 36-39).

As to claim 10, Takahashi discloses a device for recording and/or reproducing information, wherein the information recording method according to any one of claims 7 (recording/playback apparatus) (col. 5, lines 50-51), 8 or 9 is used.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231.

Art Unit: 2162

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

/Baoquoc N To/

Primary Examiner, Art Unit 2162